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19 Attorneys for Defendants
 20 CONSECO, INC. and CONSECO LIFE INSURANCE COMPANY

21 UNITED STATES DISTRICT COURT
 22 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 23 SAN FRANCISCO DIVISION

24 CEDRIC BRADY, DR. CHARLES)	CASE NO.: 3:08-CV-05746-SI
25 HOVDEN, MARION HOVDEN, DR.)	
26 EUGENE KREPS, DR. JOHN McNAMARA,)	
27 DR. HISAJI SAKAI, and JEAN SAKAI,)	STIPULATION AND PROPOSED
28 Individually and On Behalf Of All Others)	ORDER ESTABLISHING BRIEFING
Similarly Situated,)	SCHEDULE AND CASE
)	MANAGEMENT CONFERENCE
Plaintiffs,)	
)	
v.)	
)	
CONSECO, INC. and CONSECO LIFE)	
INSURANCE COMPANY,)	
)	
Defendants.)	
)	
)	
)	
)	

1 WHEREAS on December 24, 2008, plaintiffs Cedric Brady, Dr. Charles Hovden,
2 Marion Hovden, Dr. Eugene Kreps, Dr. John McNamara, Dr. Hisaji Sakai, and Jean Sakai (the
3 "Plaintiffs") filed a Complaint against defendants Conseco, Inc. and Conseco Life Insurance
4 Company (the "Defendants," referred to collectively with the Plaintiffs as the "Parties"), in the San
5 Francisco Division of the United States District Court for the Northern District of California (the
6 "Complaint"). On January 9, 2009, Plaintiffs served a summons and Complaint on each of the
7 Defendants;

8 WHEREAS on April 23, 2009, the Plaintiffs filed with the Court an Amended
9 Complaint (Docket No. 51);

10 WHEREAS on April 24, 2009, the Parties filed with the Court a Stipulation
11 Extending Time To Answer, Move, Or Otherwise Respond To The Amended Complaint (Docket
12 No. 52) requesting that the date by which Defendants must answer, move, or otherwise respond to
13 the Complaint be extended to and including May 29, 2009, and the Court granted such relief by
14 Order dated April 29, 2009 (Docket No. 54);

15 WHEREAS Plaintiffs have requested and Defendants have agreed to extend the date
16 by which Plaintiffs shall be required to oppose any motion, including a motion to dismiss, brought
17 by Defendants in response to the Amended Complaint to and including June 30, 2009;

18 WHEREAS Defendants have requested and Plaintiffs have agreed to extend the date
19 by which Defendants may reply in further support of any motion, including a motion to dismiss,
20 brought by Defendants in response to the Amended Complaint to and including July 17, 2009;

21 WHEREAS the Parties have conferred and agree that the earliest date a motion,
22 including a motion to dismiss, brought by Defendants in response to the Amended Complaint may
23 be noticed to be heard by the Court consistent with the above schedule is July 31, 2009, or such
24 other date that the Court finds suitable; and

25 WHEREAS the Parties have conferred and agree that the interests of the Parties and
26 judicial economy would be best served if the Case Management Conference currently scheduled
27 for May 15, 2009 shall also be held on July 31, 2009, or such other date that the Court finds
28 suitable;

1 IT IS THEREFORE STIPULATED AND AGREED, by and between the
 2 undersigned, that, subject to this Court's approval, Plaintiffs shall have to and including June 30,
 3 2009, within which to oppose any motion, including a motion to dismiss, brought by Defendants in
 4 response to the Amended Complaint and Defendants' reply thereto, if any, shall be filed no later
 5 than July 17, 2009.

6 IT IS FURTHER STIPULATED AND AGREED, by and between the undersigned,
 7 that, subject to this Court's approval, a hearing on any motion, including a motion to dismiss,
 8 brought by Defendants in response to the Amended Complaint shall be held July 31, 2009, or as
 9 soon thereafter as Defendants may be heard.

10 IT IS FURTHER STIPULATED AND AGREED, by and between the undersigned,
 11 that, subject to this Court's approval, the Case Management Conference currently scheduled for
 12 May 15, 2009 shall be held on July 31, 2009, or as soon thereafter as is convenient for the Court.

14 ACCORDINGLY, subject to this Court's approval, the briefing and Case
 15 Management Conference schedule shall be as follows:

16 June 30, 2009	Last day for Plaintiffs to oppose any motion, including a motion to dismiss, brought by Defendants in response to the Amended Complaint
18 July 17, 2009	Last day that Defendants may reply in further support of any such motion
20 July 31, 2009 AT 9 A.M.	Hearing on any such motion
21 July 31, 2009 AT 2:30 P.M.	Case Management Conference

1 DATED: May 6, 2009

Millstein & Associates

3 By: /s/ David J. Millstein

4 David J. Millstein
Attorneys for Plaintiffs

5 DATED: May 6, 2009

Gilbert Oshinsky LLP

7 By: /s/ August J. Matteis, Jr.

8 August J. Matteis, Jr.
Attorneys for Plaintiffs

10 DATED: May 6, 2009

Skadden, Arps, Slate, Meagher & Flom LLP

12 By: /s/ David S. Clancy

13 Raoul D. Kennedy
James R. Carroll (Admitted *Pro Hac Vice*)
David S. Clancy (Admitted *Pro Hac Vice*)
Cale P. Keable (Admitted *Pro Hac Vice*)
Attorneys for Defendants
Conseco, Inc. and Conseco Life Insurance Company

16 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

17 I, David S. Clancy, am the ECF User whose ID and password are being used to file
18 this Stipulation And Proposed Order Establishing Briefing Schedule And Case Management
19 Conference. In compliance with General Order 45.X.B, I hereby attest that concurrence in the
20 filing of this document has been obtained from each of the other signatories. I declare under
21 penalty of perjury under the laws of the United States of America that the foregoing is true and
22 correct.

23 Executed this 6th day of May 2009, at Boston, Massachusetts.

24 By: /s/ David S. Clancy

David S. Clancy

25 PURSUANT TO STIPULATION IT IS SO ORDERED,

26 Dated:

By: _____

Hon. Susan Illston